# BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2008-130
<b>U</b>	OAH No. L2007110827

CHARLYSE BEVERLY TAYLOR

2155 Las Vegas Avenue Pomona, CA 91767

Registered Nurse License No. 282428 Public Health Nurse Advanced Certification No. 53481

Respondent.

# **DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on September 19, 2008.

It is so ORDERED August 20, 2008.

LA FRANCINE W Lete
FOR THE BOARD OF REGISTERED NURSING

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1 2	EDMUND G. BROWN JR., Attorney General of the State of California			
	GLORIA A. BARRIOS Supervising Deputy Attorney General LINDA L. SUN, State Bar No. 207108 Deputy Attorney General			
3				
4	California Department of Justice 300 So. Spring Street, Suite 1702			
5	Los Angeles, CA 90013 Telephone: (213) 897-6375			
6	Facsimile: (213) 897-2804			
7	Attorneys for Complainant			
8	BEFORE '	ГНЕ		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS			
10	STATE OF CALIFORNIA			
11	In the Matter of the Accusation Against:	l Case No. 2008-130		
12	CHARLYSE BEVERLY TAYLOR	OAH No. L2007110827		
13	2155 Las Vegas Avenue Pomona, CA 91767	STIPULATED SETTLEMENT AND		
14	Registered Nurse License No. 282428	DISCIPLINARY ORDER		
15	Public Health Nurse Advanced Certification No. 53481			
16	10. 33461			
17	Respondent.			
18		J		
19	IT IS HEREBY STIPULATED AND	O AGREED by and between the parties to the		
20	above-entitled proceedings that the following matter	rs are true:		
21	<u>PARTII</u>	<u>es</u>		
22	1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of			
23	the Board of Registered Nursing (Board). She brought this action solely in her official capacity			
24	and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of			
25	California, by Linda L. Sun, Deputy Attorney General.			
26	2. Respondent Charlyse Beverly Taylor (Respondent) is represented in this			
27	matter by Edward O. Leara, Esq., whose address is Century Law Group, 5200 W. Century			
28	Boulevard, Suite 940, Los Angeles, CA 90045.			

3. On or about August 31, 1977, the Board issued Registered Nurse License No. 282428 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-130 and will expire on December 31, 2008, unless renewed.

4. On or about March 15, 1995, the Board issued Public Health Nurse Advanced Certification Number 53481 to Respondent. The Public Health Nurse Advanced Certification was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-130 and will expire on December 31, 2008, unless renewed.

# **JURISDICTION**

5. Accusation No. 2008-130 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 23, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-130 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 22008-130. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## **CULPABILITY**

- Respondent understands that the charges and allegations in Accusation No.
   2008-130, if proven at a hearing, constitute cause for imposing discipline upon her Registered
   Nurse License and Public Health Nurse Advanced Certification.
- 10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.
- 11. Respondent agrees that her Registered Nurse License and Public Health
  Nurse Advanced Certification are subject to discipline and she agrees to be bound by the Board's
  imposition of discipline as set forth in the Disciplinary Order below.

## **CONTINGENCY**

- 12. This Stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## **DISCIPLINARY ORDER**

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Registered Nurse License No. 282428 and Public Health Nurse Advanced Certification No. 53481 issued to Respondent Charlyse Beverly Taylor are revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws. Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within forty-five (45) days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. Comply with the Board's Probation Program. Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's

compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than fifteen (15) days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

- 3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
- 4. Residency, Practice, or Licensure Outside of State. Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within fifteen (15) days of any change of residency or practice outside the state, and within thirty (30) days prior to reestablishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. Function as a Registered Nurse. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.
- (c) Minimum The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.
- (d) Home Health Care If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.
- 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been

approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of forty (40) hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six (6) months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of two-thousand dollars (\$2,000.) Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three (3) months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in

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order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. Violation of Probation. If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
  - (2) One year for a license surrendered for a mental or physical illness.

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CENTURY LAW (

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Edward O. Lear. I understand the stipulation and the effect it will have on my Registered Nurse License and Public Health Nurse Advanced Certification. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 5

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Respondent

I have read and fully discussed with Respondent Charlyse Beverly Taylor the

terms and conditions and other matters contained in the above Stipulated Settlement and

Disciplinary Order. I approve its form and content.

13 DATEE:

> EDWARD Ø, LEA Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

submitted for consideration by the Board of Registered Nursing. 19

20 DATED:

> EDMUND G. BROWN JR., Attorney General of the State of California

GLORIA A. BARRIOS Supervising Deputy Attorney General

LINDA L/SUN Deputy Attorney General

Attorneys for Complainant

DOJ Metter ID: LA2007601242

28 Taylor Stip, wad

Exhibit A
Accusation No. 2008-130

1	EDMUND G. BROWN JR., Attorney General of the State of California		
2	GLORIA A. BARRIOS		
3	Supervising Deputy Attorney General LINDA L. SUN, State Bar No. 207108		
4	Deputy Attorney General California Department of Justice		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-6375		
6	Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
9			
10	STATE OF CAL		
11	In the Matter of the Accusation Against:	Case No. 2008-130	
12	CHARLYSE BEVERLY TAYLOR 2155 Las Vegas Ave.		
13	Pomona, CA 91767	ACCUSATION	
14	Registered Nurse License No. 282428 Public Health Nurse Advanced Certification No.		
15	53481		
16	Respondent.		
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18	Complainant alleges:		
19	PARTIE	<u>SS</u>	
20	1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely		
21	in her official capacity as the Executive Officer of the Board of Registered Nursing (Board),		
22	Department of Consumer Affairs, State of California.		
23	2. On or about August 31, 1977, the Board issued Registered Nurse License		
24	Number 282428 to Charlyse Beverly Taylor (Respondent). The Registered Nurse License was in		
25	full force and effect at all times relevant to the charges brought herein and will expire on		
26	December 31, 2008, unless renewed.		
27	3. On or about March 15, 1995,	the Board issued Public Health Nurse	
28	Advanced Certification Number 53481 to Responde	nt. The Public Health Nurse Advanced	

# will expire on December 31, 2008, unless renewed.

## **JURISDICTION**

Certification was in full force and effect at all times relevant to the charges brought herein and

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

# **STATUTORY PROVISIONS**

- 5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
  - 7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."
  - 8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

9. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

10. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

- "(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.
- "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.
- "(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.
- "(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.
- "(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.
- "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

## **COST RECOVERY PROVISION**

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## **SUMMARY OF FACTS**

# Patient R.D.

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- 12. On or about October 8, 2004, while working as a registered nurse at Martin Luther King, Jr./Drew Medical Center (King/Drew), Respondent was assigned to ICU-B to care for Patient R.D. who was hooked up to a cardiac monitor. Respondent's shift began at 0800 hours and ended at about 1800 hours.
- 13. Respondent stated to the Board investigator that she charted appropriately in the ICU flowsheet every two hours throughout her shift, and observed no problem with the alarms of the monitor.
- 14. At about 1430 hours on October 8, 2004, the biomedical department of King/Drew examined the monitor due to a physician's complaint and concluded that the monitor's volume level was turned down to 15, which was barely audible.
- 15. The ICU flowsheet for Patient R.D. dated October 8, 2004 between the hours 0800 through 1800 revealed that entries designated for "Equipment Check/Alarm On" and "Cardiac Monitor" were redacted and concealed.

# FIRST CAUSE FOR DISCIPLINE

## (Incompetence)

16. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that Respondent committed acts of incompetence, within the meaning of California Code of Regulations, title 16, sections 1443 and 1443.5, involving the treatment of Patient R.D. The circumstances are as described in paragraphs 13-15 above, which are incorporated herein by reference, and as follows:

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- a. Respondent failed to follow King/Drew's policy and procedure pertaining to clinical alarm assessment; and
- b. Respondent failed to ensure the alarm volume of Patient R.D.'s cardiac monitor was turned up to an audible level.

# SECOND CAUSE FOR DISCIPLINE

# (Gross Negligence)

- 17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that Respondent committed acts of gross negligence, within the meaning of California Code of Regulations, title 16, section 1442 involving the treatment of Patient R.D. The circumstances are as described in paragraphs 13-15 above, which are incorporated herein by reference, and as follows:
  - a. Respondent stated to the Board investigator she documented in the ICU flowsheet every two hours and did not notice any problem with the cardiac monitor alarm.
  - Respondent concealed documented entries on the ICU flowsheet dated
     October 8, 2004 during the hours of her shift pertaining to cardiac monitor
     and alarm checks.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 282428, issued to Charlyse Beverly Taylor;
- 2. Revoking or suspending Public Health Nurse Advanced Certification Number 53481, issued to Charlyse Beverly Taylor;
- 3. Ordering Charlyse Beverly Taylor to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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1	4. Taking such of	other and further action as deemed necessary and proper
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3	DATED: <u>icheles</u>	
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5		TOTA Hockey for
6		RUTH ANN TERRY, M.P.H, R.N Executive Officer  Record of Registered Nursing
7		Board of Registered Nursing State of California
8		Complainant
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